



**Franciscans International**  
A voice at the United Nations



**Oral Statement of the UN Forum on Indigenous People issues**  
**New York, May 10<sup>th</sup>, 2016**  
**Item 4**

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Chair,

Franciscans International, VIVAT International and Passionists International welcome the Forum's theme: "Indigenous peoples: conflict, peace and resolution".

The United Nations Declaration on the rights of the Indigenous Peoples affirms that: "Indigenous peoples shall not be forcibly removed from their lands or territories" (article 10) and that "Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired" (article 26).

We are deeply preoccupied by the situations affecting indigenous peoples in Honduras, Argentina, Brazil, West Papua (Indonesia), the Philippines, whose rights are not respected, protected or fulfilled but threatened and violated by economic development choices and strategies. Our observation is that governments of the said countries often signed up contracts with companies to carry out mega-projects without guaranteeing due participation of indigenous people and instead criminalizing them for defending their rights. Such was the case of the Lenca Indigenous People in Honduras, as they defended their rights against hydroelectric dams project which was planned to be built up along the Gualcarque River which is their territories;<sup>1</sup> or the case of Garabi and Panambi Hydroelectric Power Plants in Argentina, which, according to the Movement of Affected by Dams (MAB), will take 80,000 ha (197,700 acres), affecting 15,000 households from 30 state's municipalities both in *Misiones* and *Corrientes* Provinces (Argentina) and Brazil's Rio Grande do Sul state.<sup>2</sup>

Mining explorations and exploitations in countries such as Indonesia, Brazil and the Philippines have not only been destructive but also marginalized and excluded indigenous peoples from their territories. In Indonesia, for example, Freeport McMoRan, an American Mining Company, continues to exploit the land and territories of the West Papuans, undermining the fundamental rights of the people. In Mindanao, Philippines, the Lumad indigenous community is affected by government policies on development projects, including mining and land conversion. We were informed on the growing number of extrajudicial executions of the Lumad peoples, particularly those actively protesting encroachments upon their lands.<sup>3</sup>

<sup>1</sup> <http://upsidedownworld.org/main/honduras-archives-46/5233-honduras-indigenous-communities-resist-dams-in-the-face-of-threats-and-violence>.

<sup>2</sup> <http://renewables.seenews.com/news/brazils-rio-grande-do-sul-to-study-impact-of-garabi-panambi-hpps-construction-399332#>

<sup>3</sup> <http://www.equaltimes.org/west-papua-mining-in-an-occupation#.VyzCC5B0wdU>; see also [http://www.eco-action.org/ssp/freeport\\_wpapua.pdf](http://www.eco-action.org/ssp/freeport_wpapua.pdf) and For mining problems in Brazil, see <http://www.theguardian.com/commentisfree/2013/may/29/brazil-indigenous-people-violates-rights>, and in the

Meanwhile, land grabbing has occurred massively for the expansion of palm oil plantation in Borneo and West Papua, Indonesia, both by transnational and national corporations through the concessions given by national and local governments excluding local and indigenous peoples' participation, in violation of the rights of indigenous people including the right to free, prior and informed consent. In this regard, it is important to note that since 1990, Indonesia has seen a 40% decline in lowland rainforests and a 600% increase in palm oil plantations, which poses fundamental human rights and environmental issues.<sup>4</sup> Dominic Mitoro, the deputy leader of the Kamoro Indigenous People's Association (LMA) in West Papua, testified about how an oil palm company, PT Pusaka Agro Lestari, had approached his community: "The Company only had to trick the tribal chiefs to get the land. The tribal chiefs handed over their land without the agreement of the wider community which holds the land rights, for which they received a low compensation, far below what the land is worth."<sup>5</sup>

Finally, the violations of human rights of activists, environmentalists and human rights defenders are also of great concern. The Catholic Justice and Peace Commission of Brisbane published a report entitled "We will lose everything"<sup>6</sup> following a two-week visit to West Papua in February 2016 by two Australian human rights defenders, Peter Arndt and Susan Connolly. The report documents the human rights violations in West Papua since the annexation by Indonesia in 1960s up to present days. Brutal repression by Indonesian security forces continues unabated today and the Catholic Justice and Peace's Commission heard and saw evidence of on-going, systematic violence and intimidation including arrests, beatings, torture and killings of Papuans taking peaceful action to demonstrate their resistance to Indonesian occupation and their demand for an end to security forces violence. In addition to this, LBH Jakarta, a Legal Aid Institution based in Jakarta, released a report on May 3<sup>rd</sup>, 2016 on the arrests of at least 1,783 West Papuans in different cities and towns in Indonesia, while demonstrating peacefully in commemoration of May 1<sup>st</sup>, 1963 as West Papua administration was transferred to Indonesia.

In Brazil, as showed by the Universal Periodic Review conducted in 2012, serious concerns include the continuing violations committed against human rights defenders working to promote the rights related to land tenure and ownership and the rights of indigenous peoples.

These are only some of the examples of the ongoing violations of indigenous peoples' rights both by governments and national and transnational corporations, and of how indigenous peoples' life really matters. Without fair policies and social justice, there will never be peace and true social development.

Therefore we urge Member States in which these violations have occurred and in which these indigenous communities live to:

- respect and protect the rights of the indigenous peoples of their countries, including their rights to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired, in compliance with article 26 of the Declaration on the rights of the Indigenous Peoples;
- protect and respect the rights of human rights defenders working in favor of indigenous peoples' rights, especially their rights to freedom of expression and of peaceful assembly.

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Philippines, see <http://www.united-church.ca/social-action/act-now/end-violence-against-indigenous-peoples-philippines>.

<sup>4</sup> <http://www.goldmanprize.org/blog/clearing-way-plantations-land-grabs-deforestation-and-endangered-species/>

<sup>5</sup> <http://www.franciscansinternational.org/fileadmin/docs/2015/HumanRightsPapua2015-ICP.pdf> p80.

<sup>6</sup> <https://cjpbrisbane.files.wordpress.com/2016/05/we-will-lose-everything-may-2016.pdf>.

- Review all laws, policies and licenses regarding mining operations and the expansion of encroachments on indigenous land and territories to the benefit of cash crop plantations such as palm oil under which indigenous peoples are forcibly evicted from their lands and which violate their rights to lands, territories and resources.
- Respect and protect the rights of West Papuan activists who demand freedom, justice and dignity, including their rights to freedom of expression and of peaceful assembly, as well as the right to due process of those who are maintained in detention after their arrest by Indonesian security forces on May 1<sup>st</sup> and 2<sup>nd</sup>, 2016 in several cities and towns during a peaceful demonstration;
- Develop comprehensive investigations on the violations of human rights and abuses against Indigenous peoples and ensure that the perpetrators are brought to justice and effective remedies are guaranteed.

Thank you for your attention.